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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/997,202	12/23/97	MYERS	1-5703

027210 IM22/0227
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FOURTH FLOOR
720 WATER STREET
TOLEDO OH 43604

EXAMINER
PIAZZA, G

ART UNIT	PAPER NUMBER
1733	18

DATE MAILED: 02/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/997,202

Applicant(s)

Gerald L. Meyers

Examiner

Gladys Piazza

Group Art Unit

1733



☒ Responsive to communication(s) filed on Dec 20, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 14-24 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 14 and 18-24 is/are rejected.

☒ Claim(s) 15-17 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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FINAL ACTION

Response to Amendment

1. It is noted that the amendment to claim 14 filed on December 20, 2000 does not contain some of the text of the prior claim 14 that was deleted in brackets (such as "from" in line 12 of the amended claim 14 and step e from the prior claim 14). It is also noted that Applicant recites claim 14 as being "(twice amended)". The original claim 14 appears in amendment filed July 9, 1999, paper number 5. There are no other amendments filed to claim 14 other than the current amendment filed December 20, 2000, paper number 16. See 37 CFR 1.121(a)(2)(ii) which states:

(ii) Claim cancellation or rewriting: A claim may be amended by directions to cancel the claim or by rewriting such claim with underlining below the matter added and brackets around the matter deleted. The rewriting of a claim in this form will be construed as directing the deletion of the previous version of that claim. If a previously rewritten claim is again rewritten, underlining and bracketing will be applied relative to the previous version of the claim, with the parenthetical expression "twice amended," "three times amended," etc., following the original claim number. The original claim number followed by that parenthetical expression must be used for the rewritten claim. No interlineations or deletions of any prior amendment may appear in the currently submitted version of the claim. A claim canceled by amendment (not deleted and rewritten) can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 14, and 19-21 are rejected under 35 U.S.C. §103 as being unpatentable over admitted prior art and as conventional state of the art as evidenced by Duck et al. (U.S. Patent

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No 5,064,494), Challenger et al. (U.S. Patent No. 4,528,057) and Wakabayashi et al. (US Patent No. 4,293,363) for the reasons as set forth in paragraph 6 of the prior Office Action, paper number 14.

4. Claims 18, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Duck et al., Challenger et al., and Wakabayashi et al. as applied to claim 14 above, and further in view of Welsh et al. (U.S. Patent No. 5,778,737) for the reasons as set forth in paragraph 8 of the prior Office Action, paper number 14.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Duck, Challenger, and Wakabayashi et al. as applied to claim 14 above, and further in view of Wolinski et al. (U.S. Patent No. 4,126,504) for the reasons as set forth in paragraph 9 of the prior Office Action, paper number 14.

Allowable Subject Matter

6. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: As to claims 15 and 17, absent any additional prior art, no prior art was found to show or suggest a balance weight with a serrated outer peripheral surface with the second portion of adhesive material extending between the driveshaft and the serrated outer peripheral surface of the balance

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weight in the claimed environment. As to claims 16 and 17, absent any additional prior art, no prior art was found to show or suggest a balance weight with a relatively thin rim portion and with a second portion of adhesive material extending between the unbalanced driveshaft and the relatively thin rim portion of the balance weight in the claimed environment.

Response to Arguments

8. Applicant's arguments filed December 20, 2000 have been fully considered but they are not persuasive.

The Applicant argues that the Duck, Challenger and Wakabayashi references are not analogous to the claimed invention. It is well known in the bonding arts to cure portions of adhesive bonding two articles together in order to secure the articles for further processing before curing all the portions of adhesive and the references Duck, Challenger and Wakabayashi are merely examples of employing this well known technique.

The Applicant argues that the Duck, Challenger and Wakabayashi references fail to teach moving a driveshaft and a balanced weight toward one another so a first portion of the adhesive is disposed between the driveshaft and the weight and a second portion of the adhesive extends from between the driveshaft and the weight (it is noted that the word "from" is no longer in the amended claim 14). The rejection is based on the admitted prior art showing that it is known to adhere a balance weight to a driveshaft by providing adhesive material between the driveshaft

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and the balance weight. It is well known in the bonding arts in a variety of environments to fast cure a first portion (or spot cure) of adhesive between two articles to temporarily fix the articles together for further processing and then allow the other portions of the adhesive to cure more slowly. Duck, Challenger, and Wakabayashi all show examples of manufacturing processes where it is known to spot cure adhesives so that the articles can be further processed while the rest of the adhesive cures. As to claim 19, it is noted that whether adhesive extrudes from the articles is only dependent upon how much liquid adhesive is applied, only the expected results would be attained by allowing adhesive to extrude outwardly from between the articles.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gladys Piazza** whose telephone number is **(703) 305-1271**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball may be reached at (703)308-2058. The fax number for this group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Gladys Piazza

February 22, 2001


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700